

Notice of Allowability

Application No.

10/665,990

Applicant(s)

APICELLA ET AL.

Examiner

Padmavathi v. Baskar

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/16/06.
2. ☒ The allowed claim(s) is/are 9, 10, 25, 26, 28, 32, 29, 30 and 31 and have been renumbered as 1-9 respectively..
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/19/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. Applicant's amendment filed on 10/16/06 is acknowledged.

Examiner's amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ann S. Viksnins on 12/19/06 (see attached interview summary). The application has been amended as follows:

Claims 7-8, 12-22 and 27 are cancelled.

Claim 9. (Currently Amended) An isolated and purified polypeptide comprising amino acid sequence set forth as SEQ ID NO: 14 from *Neisseria gonorrhoeae* encoded by nucleic acid sequence set forth as SEQ ID NO: 13.

Claim 10. (Currently Amended) An isolated and purified phospholipase D polypeptide ~~comprising phospholipase D from *Neisseria gonorrhoeae*, wherein the polypeptide comprises~~ comprising amino acid sequence set forth as SEQ ID NO: 14.

Claim rejections moot/withdrawn

4. In view of cancellation of claims, 12-15, the rejection under 35 U.S.C. 112, first paragraph is moot.
5. In view of amendment to the claims 9 and 10, the rejection under 35 U.S.C. 112, second paragraph is withdrawn.

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6. In view of amendment to the claims 9 and 10, the rejections under 35 U.S.C. 102(b) as being anticipated by Paz et al (1995, Microbiology 141, 913-920) and Fraser et al 1999, Accession Number AAY 75751 or AAY 75753 are withdrawn.

Conclusion

7. Claims 9, 10, 25, 26, 28,32, 29 , 30 and 31 are allowed and have been renumbered as 1-9 respectively.

8. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.



Padma Baskar Ph.D.

CLEAN COPY OF ALLOWED CLAIMS

Claim ~~9~~¹. An isolated and purified polypeptide comprising amino acid sequence set forth as SEQ ID NO: 14 from *Neisseria gonorrhoeae* encoded by nucleic acid sequence set forth as SEQ ID NO: 13.

Claim ~~10~~². An isolated and purified phospholipase D polypeptide from *Neisseria gonorrhoeae* comprising amino acid sequence set forth as SEQ ID NO: 14.

Claim ~~28~~³. The polypeptide of claim ~~10~~² that is conjugated or linked to a second peptide.

Claim ~~28~~⁴. The polypeptide of claim ~~10~~² that is conjugated or linked to a polysaccharide.

Claim ~~28~~⁵. A composition comprising the polypeptide of claim ~~10~~² and a pharmaceutically-acceptable vehicle.

Claim ~~32~~⁶. The composition of claim ~~28~~⁵, wherein the polypeptide is encoded by a polynucleotide comprising SEQ ID NO: 13.

Claim ~~29~~⁷. The composition of claim ~~28~~⁵, which further comprises an effective amount of an immunological adjuvant.

Claim ~~30~~⁸. The composition of claim ~~28~~⁵, wherein the polypeptide is conjugated or linked to a second peptide.

Claim ~~31~~⁹. The composition of claim ~~28~~⁵, wherein the polypeptide is conjugated or linked to a polysaccharide.